

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

NATASHA BENNETT,)
)
 Plaintiff(s),)
)
 vs.) Case No. 4:12CV977 JCH
)
)
 CASEY'S GENERAL STORES, INC.,)
)
)
 Defendant(s).)

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Casey's General Stores, Inc.'s Motion to Dismiss and/or Substitute Proper Defendant, filed on July 6, 2012. ("Motion to Dismiss," ECF No. 6). This matter is fully briefed and ready for disposition.

By way of background, Plaintiff filed this action on May 30, 2012, alleging that she was employed by Defendant and that, as an employee of Defendant, she was discriminated against on the basis of sex and retaliated against due to her complaints of discrimination in violation of Title VII of the Civil Rights Act of 1964 and the Missouri Human Rights Act. In its Motion to Dismiss, Defendant Casey's General Stores, Inc. argues it must be dismissed as a defendant because Plaintiff was employed by Casey's Marketing Company, not Defendant. (Motion to Dismiss, ¶ 3). In the alternative, Defendant requests the substitution of Casey's Marketing Company for Defendant in this matter.

As support for its motion, Defendant included the affidavits of Robert J. Myers, President and Chief Executive Officer of Casey's General Stores, Inc., and Michael R. Richardson, President of Casey's Marketing Company. (Exhibit A to Casey's General Stores, Inc.'s Reply Memorandum in Support of Its Motion to Dismiss and/or Substitute Proper Defendant, ECF No. 15-1). Myers states

in his affidavit that Casey's General Stores, Inc. has no employees and owns all the stock of four subsidiary corporations, including Casey's Marketing Company, and that Natasha Bennett is employed by Casey's Marketing Company. (*Id.*, p. 1, ¶¶ 3, 4, 7). Similarly, Richardson states in his affidavit that Casey's General Stores, Inc. has no employees and owns all the stock of Casey's Marketing Company, and that Natasha Bennett is employed by Casey's Marketing Company. (*Id.*, p. 3-4, ¶¶ 4, 5, 8).

Upon consideration, the Court finds Casey's Marketing Company is the proper defendant in this matter. Thus, the Court will grant Defendant's Motion to Dismiss. Plaintiff is granted until **Thursday, August 30, 2012**, to file an Amended Complaint in accordance with the foregoing.

Accordingly,

IT IS HEREBY ORDERED that Defendant Casey's General Stores, Inc.'s Motion to Dismiss and/or Substitute Proper Defendant (ECF No. 6) is **GRANTED**, and Casey's General Stores, Inc. is dismissed as a defendant in this matter.

IT IS FURTHER ORDERED that Plaintiff is granted until **Thursday, August 30, 2012**, to file an Amended Complaint in accordance with the foregoing.

Dated this 23rd day of August, 2012.

/s/Jean C. Hamilton

UNITED STATES DISTRICT JUDGE